

FARMINGTON CITY COUNCIL MEETING

Wednesday, April 19, 2006

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Mayor Pro Tem Dutson began discussion at 5:00 P.M.

Motion

Sid Young moved that the City Council adjourn to closed meeting for reasons permitted by law, including the professional competency and character of an individual, and strategy relating to the acquisition of real property and pending litigation. **Larry Haugen** seconded the motion, which passed by unanimous vote and the Council went into a closed meeting.

Upon motion of **Larry Haugen** with a second by **Paula Alder**, the Council convened back into an open meeting at 5:54 P.M. Work session discussion of agenda items took place.

Swimming Pool Discussion;

Paula Alder reviewed proposed adjustments to the swimming pool fees. If the adjustments are approved, the swimming pool revenue will increase by \$18,449.50. The City's pool fees will be comparable to other pools in the area.

Rick Dutson reminded the Council that although the revenues will increase if the adjustments are approved, the pool will still not generate a positive income.

The Council discussed the possibility of offering concessions that generate profits. It was suggested that funds be reserved for major maintenance.

City Council photos were taken at 6:05 P.M.

The Council reconvened the work session at 6:25 P.M. and discussed the following issues:

Agenda Item #4: Public Hearing: Consideration of Ordinance to Rezone a Parcel of Property Owned by Ken and Jackie Hardy located at 325 West Glovers Lane from LM&B to AE/Consideration of Approval of Subdivision related thereto.

Mayor Harbertson said if the applicant's request is granted, it would make the property separation legal.

Max Forbush recommended that the Council receive input from **Mr. Hardy** prior to taking action. It had been reported that Mr. and Mrs. Hardy would likely not show up to the meeting.

Agenda Item #7: Request to Enter into “Assumption of Risk Agreement” to Permit House Building within Silverwood Subdivision - Gary Wright of Ivory Homes.

Max Forbush said if the City enters into the Agreement, the developer will assume any risk. The Agreement would require the developer to keep the road clear for emergency vehicles. The City Attorney indicated that the International Fire Code allows the City the ability to alter the Ordinance.

Walt Hokansen suggested that all new City roads “winter” prior to being paved. This could be accomplished by using the “assumption of risk agreement” more liberally with developers.

Agenda Item #5: Public Hearing: Consideration of Ordinance Amending Sundry Parts of the City’s Zoning, Subdivision, and Sign Ordinances for purposes of improving readability, administration and consistency and for removing “billboard use” from the LM&B Zone Text.

David Petersen said the Planning Commission recommended that the Council not consider the changes related to the OTR zone until the text for that entire zone is analyzed. He reviewed the text changes that the Council would be considering. He reported that the Planning Commission and staff are recommending the changes.

Agenda Item #10: Resolution Amending City Development Standards Widening the Pavement Radiuses at cul-de-sacs and other Miscellaneous Changes.

Max Forbush said City staff recommends that the cul-de-sac radius not be increased since it would encroach on private property and would require additional snow removal. City Staff also recommends that the pavement width not be increased on City streets unless it is further studied. He recommended that the City Council approve the Resolution with the exception of SP-260 which relates to the above mentioned items.

Walt Hokansen said if the cul-de-sacs and street widths are expanded, the cost of asphalt and repairs will significantly increase.

The work session adjourned at 6:55 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Youth City Council Member Alex Crowley and Recording Secretary Jill Hedberg.

Mayor Harbertson called the meeting to order at 7:00 P.M. **Max Forbush** offered the invocation. The Pledge of Allegiance was led by **Council Member David Hale**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Paula Alder moved to approve the minutes of the April 4, 2006, City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative. **David Hale** abstained due to his absence at the previous meeting.

David Hale moved to approve the minutes of the April 6, 2006, Special City Council Meeting. **Rick Dutson** seconded the motion. The voting was unanimous in the affirmative.

LEGACY HIGHWAY PROGRESS REPORT - UDOT LEGACY TEAM (Agenda Item #3)

John Thomas, Legacy Highway Project Manager, gave a 25-minute summary of the project beginning at I-15 going north to Park Lane in Farmington. The project will include a 14 mile pedestrian/equestrian trail connecting to the Jordan River Parkway in Salt Lake City.

In response to a question, **Mr. Thomas** stated that the property north of Lagoon and Park Lane is not currently part of the Legacy Highway landscaping plan.

The City Council agreed to hear the Planning Commission report before starting the public hearings.

REPORT OF PLANNING COMMISSION (Agenda Item #13)

Jim Talbot reported proceedings of the Planning Commission meeting held April 13, 2006. He covered the following items:

- The Planning Commission granted preliminary plat approval for Farmington Ranches Phase 8 consisting of 74 lots on 98.727 acres located at approximately 2000 West 400 South in the AE and AA zones.
- The Planning Commission recommended minor plat approval for a 2 lot subdivision of the commercial property (7.481 acres) now occupied by Bukoos (formerly K-Mart) located on the northwest corner of Shepard Lane and U.S. 89 in a C zone.
- The Planning Commission granted conditional use and site plan approval to redevelop within, and an addition thereto, the building now occupied by Buckoos (formerly K-Mart) located at the northwest corner of Shepard Lane and U.S. 89 in a C zone. The Planning Commission recommended that the City consider eliminating

the current landscaping on the south side of the former K-Mart building to allow the retail spaces to be visible from the road.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO REZONE A PARCEL OF PROPERTY OWNED BY KEN AND JACKIE HARDY LOCATED AT 325 WEST GLOVERS LANE FROM LM&B TO AE/CONSIDERATION OF APPROVAL OF SUBDIVISION RELATED THERETO (Agenda Item #4)

David Petersen explained the applicant's request and pointed out where the City owned land (street) is located. He said the Planning Commission recommended that the City Council grant the applicant's request. The Council should consider the Agreement between Farmington City and Jeff Smith which states the following:

3. *The City and Developer hereby agree and acknowledge that, in the event the future owners of either UDOT parcel to the west or east or the remnant Hardy parcel determine to improve their respective properties prior to the time Developer develops the balance of the Property, such party or parties will be required to design and improve their respective frontages to the Right-of-Way to a full road at a width determined by the City. Whoever develops their property first shall also be required to construct and install curb and gutter, and sidewalks on both sides of the street, and if required by the City, acceptable sanitary sewer, storm drainage and irrigation water lines if the same is determined to be available in the area as well as service laterals for water, sewer and irrigation to their property.*

Mr. Petersen said the Planning Commission and **Jeff Smith** did not think **Mr. Hardy's** request should be considered "major development". It is up to the City Council to interpret the meaning of the Agreement. If **Mr. Hardy** postpones his improvements for two weeks, **Mr. Smith** will have begun his development. City Staff recommends that **Mr. Hardy** enter into an Extension Agreement for a portion of the property for future improvements.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Mayor Harbertson said **Jeff Smith** is ready to start his project within a few weeks so he recommended that the Hardy's postpone their plans until that time. **Jeff Smith** will bring the asphalt to the Hardy property so the Hardys will not be required to contribute to the asphalt.

David Petersen said if the applicant waits for **Mr. Smith's** development, it will not be contrary to the Agreement. He said **Mr. Smith** informed him that **Mr. Hardy** reviewed the Agreement before it was signed so he was aware of the terms of the Agreement.

Mayor Harbertson said he would make an effort to meet with Mr. Hardy to discuss the issue.

[Youth City Council Member Alex Crowley was excused at 8:05 P.M.]

Motion

David Hale moved that the City Council table consideration of the Ordinance to allow the City Council to meet with the applicant. **Rick Dutson** seconded the motion which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING SUNDRY PARTS OF THE CITY'S ZONING, SUBDIVISION, AND SIGN ORDINANCES FOR PURPOSES OF IMPROVING READABILITY, ADMINISTRATION AND CONSISTENCY AND FOR REMOVING "BILLBOARD USE" FROM THE LM&B ZONE TEXT (Agenda Item #5)

David Petersen said the amendments are a collection of changes that have been noted over the years. The Planning Commission recommended that the City Council not consider changes related to the OTR zone until the text for the zone has been reviewed. The Planning Commission also recommended that on/off premise signs be reviewed further and considered at a later time. The City Attorney indicated that the City has the right to remove billboard signs from the zoning text.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

The Council agreed the billboard issue should be further clarified and discussed at a future meeting.

Motion

Rick Dutson moved that the City Council adopt AN ORDINANCE AMENDING SECTIONS OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING

MISCELLANEOUS TEXT CHANGES. These changes excluded those items heretofore mentioned. **Larry Haugen** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF ORDINANCE TO AMEND GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO OFFICE PARK/CONSIDERATION OF REQUEST TO REZONE PILCHER PROPERTY LOCATED AT THE INTERSECTION OF NORTH MAIN STREET AND SOUTH MOUNTAIN ROAD NEAR THE CHERRY HILL INTERCHANGE AT U.S. HIGHWAY 89 FROM LR-F TO BP-F (Agenda Item #6)

Mayor Harbertson said Section 11-14-050 of the BP zone ordinance states that the minimum district size should contain not less than five acres. In order for the Pilcher property to meet the 5 acre requirement, he suggested that the UDOT property be combined with the Pilcher property. **Mr. Petersen** contacted a UDOT representative regarding the possibility of rezoning their property and deeding a parcel of the property to the City. The UDOT representative said they may be willing to deed the property in exchange for the property being rezoned. The commercial creep will be eliminated because the properties on the other side of the Pilcher property are less than 5 acres. He displayed a reconfigured rendering which relocated the entrance so the applicant could landscape and maintain the UDOT property. The land adjacent to the building(south side of Pilcher property) would provide a buffer which could prevent it from being combined with other properties to the south sufficient to meet the 5-acre minimum for BP zoning. It is in the City's best interest to pursue the proposed use for the UDOT property so it will not be used as a park-and-ride lot.

Rob McMaster asked how large the buffer would be.

Mayor Harbertson said the buffer would be approximately ½ acre.

Patricia Anderson asked if the buffer would include hedging and trees so the parking area could not be viewed by the residents on the hillside.

Mayor Harbertson said a buffer would be provided and the area would be enhanced.

Rick Dutson said the Council is considering creating a "BP-light" zone which would eliminate the use of storage units and light manufacturing.

Larry Haugen said the new zone could be used in other areas of the City so it should not be created for this specific area.

Roy Wrencher asked if UDOT would relinquish the properties on both sides of the Mountain Road.

David Petersen said UDOT would only relinquish a certain portion in exchange for the property being rezoned.

Jim Talbot said the Planning Commission was concerned about the ingress/egress issues. He suggested that the City Council consider them as well.

Lane Fishburn said he does not want to impede the traffic flow. There are ways to mitigate the traffic in the area. A deceleration lane could be created or they could consider a shallower point of entry. He said the proposed plan will create additional costs for him but he is willing to accept it. At the Planning Commission meeting, the City's Engineer stated that the impact from this development will be minimal.

Sid Young said he is concerned about amending the Master Plan prior to creating the zone text. He asked about the easements that exist in the area.

Mayor Harbertson explained where the drainage and fiber optics are located in the area.

Paula Alder said a Farmington resident is willing to donate \$5,000-\$8,000 for a "Welcome to Farmington" sign.

David Petersen suggested that two sandstone pillars be placed on the south edge of the Pilcher property. He suggested that Oak trees be planted on the UDOT property to provide screening.

Sharon Treu said a traffic study has not been done for this particular building. She suggested that a traffic engineer address the traffic issues.

Mayor Harbertson said the Planning Commission would likely require a traffic study during the rezone process.

The City Council appointed the following individuals to serve on the committee to create the new zoning text: Todd Godfrey, David Hale, Sid Young, Jim Carter of Bear West and Jim Talbot.

Mayor Harbertson said he and the City Manager will meet with UDOT to verify their commitment to exchange property.

Patricia Anderson said her husband, **Steve Anderson**, would be willing to serve on the committee.

David Petersen passed out a letter that was submitted to the City by **Byron Barton**, who requested that the rezone change not be approved.

Motion

Sid Young moved that the City Council table consideration of the Ordinance to allow the City time to work on a resolution for the zone text, to verify that the use of the UDOT property is possible. **Rick Dutson** seconded the motion, which passed by unanimous vote.

REQUEST TO ENTER INTO AN “ASSUMPTION OF RISK AGREEMENT” TO PERMIT HOUSE BUILDING WITHIN SILVERWOOD SUBDIVISION - GARY WRIGHT OF IVORY HOMES (Agenda Item #7)

Motion

David Hale moved that the City Council authorize the Mayor to sign an agreement entered into by Ivory Homes allowing them to commence building within the subdivision conditional upon their signing an “Assumption of Risk” Agreement. **Larry Haugen** seconded the motion, which passed by unanimous vote.

WEST STATE STREET PROPERTY OWNER’S REQUEST FOR CITY TO EXTEND SPRINKLER SYSTEMS AND TURF TO CURB LINE OF NEW STREET IMPROVEMENTS ALONG WEST STATE STREET FROM 200 WEST TO 400 WEST (SOUTH SIDE) (Agenda Item #8)

Mayor Harbertson said the letter to the West State Street property owners will state that it is the opinion of the City Council that abutting property owners should share in the cost of improvements that add value to their property.

Motion

David Hale moved that the City Council uphold their previous decision of November 15, 2005 and authorize the Mayor to send a letter to west State Street property owners. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #9)

David Hale moved that the City Council approve the following items by consent as follows:

- 9-1. Ratification of Construction Bond Agreements previously signed by Mayor Harbertson.
- 9-2. Approval of Resolution Adopting Police Department General Orders and Policies.
- 9-3. Approval of Request to Advertise Fund Raising for National Children’s Tumor Foundation.

9-4. Authorization to Send Letter to Arts Council stating Governing Body's Position of Citizen Participation.

9-5. Approval of Disbursement Lists for the months of February and March 2006.

Larry Haugen seconded the motion, which passed by unanimous vote.

RESOLUTION AMENDING CITY DEVELOPMENT STANDARDS WIDENING THE PAVEMENT RADIUSES AT CUL-DE-SACS AND OTHER MISCELLANEOUS CHANGES (Agenda Item #10)

Mayor Harbertson said City staff recommends that the Council approve the Resolution without Section SP260 so the issues can be reviewed further.

Motion

Paula Alder moved that the City Council approve all of the Special Provisions except SP260. **Rick Dutson** seconded the motion, which passed by unanimous vote.

ARCHITECTURAL SERVICES AGREEMENT WITH EDWARDS & DANIELS ARCHITECTS/APPOINTMENT OF WORKING COMMITTEE TO DEVELOP PLANS FOR POLICE STATION & CITY HALL ADDITION (Agenda Item #11)

Max Forbush said the City Attorney reviewed the Agreement and recommended that certain changes be made. He recommended that the City Council authorize the Mayor to sign the Agreement when it is prepared and reviewed by the City Attorney.

Sid Young suggested that City staff verify that the Agreement includes professional liability.

Motion

Paula Alder moved that the City Council authorize the Mayor to sign the Architectural Services Agreement with Edwards & Daniels Architects when it is prepared and reviewed by the City Attorney. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Motion

Paula Alder moved that the City Council appoint the following individuals to the working committee to develop plans for the Police Station and City Hall: *Mayor Harbertson, Rick Dutson, Max Forbush, Wayne Hansen, Keith Johnson, David Petersen, Margy Lomax and a representative from the Police Department.* **Rick Dutson** seconded the motion, which passed by unanimous vote.

FIRE RESPONSE MUTUAL-AID AGREEMENT WITH HILL AIR FORCE BASE (Agenda Item #12)

Max Forbush said the Agreement was reviewed and approved by the City Attorney.

Motion

David Hale moved that the City Council approve AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE (US) and authorize the Mayor to sign the same. **Rick Dutson** seconded the motion, which passed by unanimous vote.

SCHEDULING OF FIRST OTR WORK COMMITTEE MEETING (Agenda Item #14)

The Mayor, City Manager and Community Development Director came up with the following set of dates for the first work session of the proposed OTR amendments:

April 25, 2006 - Tuesday	May 13, 2006 - Saturday
April 29, 2006 - Saturday	May 18, 2006 - Thursday
May 12, 2006 - Friday	May 20, 2006 - Saturday

APPOINTMENT OF CITY COMMITTEES (Agenda Item #15)**Building Board of Appeals****Motion**

Rick Dutson moved that the City Council appoint the Building Board of Appeals members and their alternates which were recommended by Eric Miller. **Larry Haugen** seconded the motion, which passed by unanimous vote. Those appointed are as follows:

Ed Domian	4-year term
Paul Hayward	2-year term
Jerry Preston	4-year term
Jerry Thompson	2-year term
Dave Dixon	4-year term
Alternates:	
Dave Ellis	4-year term
Paul Rowland	2-year term

Selection Committee for “Mother of the Year”

Mayor Harbertson and **Council Member Alder** volunteered to serve on the committee to select the “Mother of the Year”.

RECONSIDERATION OF INCREASING SWIMMING POOL FEES

Mayor Harbertson said the proposed changes to the swimming pool fees will generate \$18,000 in additional revenue.

Motion

David Hale moved that the City Council approve the amendments to the Swimming Pool Fee Schedule and direct City Staff to amend the Uniform Fee Schedule on May 3, 2006, by Resolution. **Paula Alder** seconded the motion, which passed by unanimous vote.

TRAIL IMPROVEMENTS AT SHEPARD CREEK/NORTH COMPTON ROAD AS REQUESTED BY ROB DALE/TRAILS COMMITTEE, ET AL (Agenda Item #17)

Mayor Harbertson said **Walt Hokansen** suggested that the City allocate \$20,000 to improve the trail at Shepard Creek and the trail at North Compton Road. **Rob Dale, Lew Swain, Greg Gardner** and **Lonnie Bullard** agreed to contribute rocks for the project which will lower the cost of improvement to \$10,000.

The City Council conceptually agreed to approve the trail improvement cost of \$10,000 which will be split between the City and the Trails Committee.

PENDING SPECIAL CITY COUNCIL MEETINGS (Agenda Item #18)

1. April 26 at 5:00 p.m. - Budget Work Session/Consideration of Other Budget Work Session Changes

The City Council agreed to hold a budget meeting on May 4, 2006 to replace the meeting scheduled for May 17, 2006. They also agreed to meet on May 18, 2006, from 4:00-7:00 P.M.

2. Joint City Council/Planning Commission Meeting at UDOT - called Meeting with Davis/Weber County Legislators regarding possible Legacy North Connections within Farmington - April 28 at 3:00 p.m. (Farmington City Hall).
3. Garbett Homes Open House - April 27 at 5:00 p.m. for both the Planning Commission and City Council.

The City Council members said if they were available, they would volunteer at the City dinner theater on Friday, April 28, 2006.

MAYOR AND COUNCIL REPORTS (Agenda Item #19)

Mayor Harbertson asked that citizen involvement relating to a future strategic plan be discussed in July so it will be complete by the first of the year. The citizen involvement would be in the form of visioning or value statements that could guide the Governing Body and executive staff when they meet again in January.

Leisure Services

Paula Alder said the Community Center is used by the Arts Council for extended periods of time which makes it so the facility is not generating rental income.

Paula Alder and **Larry Haugen** volunteered to consider ways that the Community Center can be more “user friendly”.

Paula Alder suggested that the City considering giving swimming pool passes to the City’s volunteer firemen.

History of Farmington Discussion

David Hale said he would like to proceed with having Farmington’s history written by **Glen Leonard**.

Max Forbush suggested that **Council Member Hale** present a written budget requesting that the 2006 budget is amended to accommodate printing of pictures of Farmington Historic homes previously taken by Glen Leonard.

MISCELLANEOUS

Mayor Harbertson said he received a letter from **Merry Dean** requesting that the City consider moving the Steed Cabin to the grass area between the Museum and City Hall.

The City Council discussed the age of the cabin and whether it should be sold to the Steed ancestors.

David Hale suggested that the City Manager contact the City Attorney to determine whether it would be considered an exaction for the City to allow the developer choose between relocating the cabin to City property or donating to the City’s historic fund.

Newsletter

Mayor Harbertson said **Jill Swain**/Blue Pebble Press was selected by the City to publish the City newsletter. Her fees include articles on a variety of topics, information on new buildings and businesses in the area, and local advertising.

Motion

Paula Alder moved that the City Council offer Blue Pebble Press a one year contract for \$575.00 per month to publish the City's newsletter. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Emergency Preparedness Assistants

The City Council agreed to advertise for Emergency Preparedness Assistants to help Paul White, who is the City's Emergency Preparedness Coordinator, in the City's newsletter.

Clyde Heiner Property

The City Council requested that **Walt Hokansen** and **Paul Hirst** visit the Heiner property and submit a report to the Council stating their findings with respect to a potential trade of City land for drainage easement land owned by Mr. Heiner. The report should evaluate the value of such a trade to the City.

City Council Shirts

The City Council authorized **Rick Dutson** to order shirts with the City logo for the Council Members and the Mayor. Also, City staff will be invited to order shirts if they choose.

ADJOURNMENT

David Hale moved that the meeting adjourn at 10:15 P.M.

Margy Lomax, City Recorder
Farmington City